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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,095	12/01/2000	Dario de Judicibus	GB920000002US1	4536

35060 7590 09/20/2004

THE LAW OFFICE OF IDO TUCHMAN  
69-60 108ST., SUITE 503  
FOREST HILLS, NY 11375

EXAMINER

MAHMOUDI, HASSAN

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/728,095	JUDICIBUS, DARIO DE	
	Examiner	Art Unit	
	Tony Mahmoudi	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's Request for Continued Examination (RCE) submission filed on 25-May-2004 has been entered.

### ***Remarks***

2. In response to communications filed on 25-May-2004, claims 1-17 have been canceled and new claims 18-29 have been added per applicant's request, of which, claims 18, 22, and 26 are in independent form. Claims 18-29 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 20, 24, and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 20 recites the limitation “receiving coordinates outside the sub-space” in line 3; claim 24 recites the limitation “receive coordinates outside the sub-space” in lines 2-3; and claim 28 recites the limitation “receive coordinates outside the sub-space” in lines 4-5. The disclosed specification does not describe how and/or from where the “coordinates” are “received outside the sub-space”, in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 22 recites the limitation “the method” in line 2. There is insufficient antecedent basis for this limitation in the claim, since claim 22 is a “system” claim. For the purpose of examination, the examiner is making the assumption that line 2 of claim 22 reads --the system comprising-- (not “the method comprising”.) Appropriate correction is required.

Claims 23-25 are rejected under 35 U.S.C. 112, second paragraph, for being dependents from the rejected independent claim 22.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 18-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinoe et al (U.S. Patent No. 6,160,556.)

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As to claim 18, Kinoe et al teaches a method for finding a query solution in a data space (see Abstract, and see column 4, lines 39-43, where a “query solution” is read on “searching”), the method comprising:

performing an initial query such that a sub-space within the data space is defined that may contain the solution (see column 5, lines 21-46, and see column 6, lines 44-47, where “sub-space” is read on “sub-window”); and

searching for the solution outside the sub-space without performing another query (see column 2, lines 13-17, and see column 6, lines 28-60.)

As to claims 19, 23, and 27, Kinoe et al teaches wherein searching for the solution outside the sub-space without performing another query (see column 2, lines 13-17, and see column 6, lines 28-60) includes graphically navigating outside the sub-space (see figures 3-8, and see column 1, lines 36-43.)

As to claims 20, 24, and 28, Kinoe et al teaches wherein searching for the solution outside the sub-space without performing another query (see column 2, lines 13-17, and see column 6, lines 28-60) includes receiving coordinates outside the sub-space (see column 5, lines 4-20, where “coordinates outside the sub-space” is read on “position of the pointer on the screen”, and see column 5, lines 21-30.)

As to claims 21, 25, and 29, Kinoe et al teaches wherein the initial query includes conditional attributes (see column 5, lines 34-37, where “conditional attributes” is read on

“the attribute of the object selected as a selection candidate”) and display attributes (see column 5, lines 47-50), and wherein searching for the solution outside the sub-space without performing another query (see column 2, lines 13-17, and see column 6, lines 28-60) includes changing conditional attributes to display attributes (see column 4, lines 39-52, where “changing conditional attributes to display attributes” is read on “the sub-window is displayed in the screen and the area within the sub-window is divided into a plurality of regions corresponding to the number of three-dimensional objects”, meaning that the “conditional attribute” (number of three-dimensional objects) changes to “display attribute” (causes the “display to be divided into a plurality of sub-windows)) and display attributes to conditional attributes (see column 5, lines 47-50.)

As to claim 22, Kinoe et al teaches a system for finding a query solution in a data space, (see Abstract, and see column 4, lines 39-43, where a “query solution” is read on “searching”) the system comprising:

an initial query such that a sub-space within the data space is defined that may contain the solution (see column 5, lines 21-46, and see column 6, lines 44-47, where “sub-space” is read on “sub-window”); and

a space navigator configured to search for the solution outside the sub-space without performing another query (see column 2, lines 13-17, and see column 6, lines 28-60.)



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As to claim 26, Kinoe et al teaches a computer program product embodied in a tangible media (see column 3, line 62 through column 4, line 4) comprising computer readable program codes (see column 8, lines 59-62.) For the remaining steps of claim 26, the applicant is kindly directed to the remarks and discussions made in claims 18 and 22 above.

### *Response to Arguments*

9. Applicant's arguments filed on 25-May-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to user behavioral profiling, targeted marketing, and managing data in databases in general:

Patent/Pub. No.	Issued to	Cited for teaching
US 6,055,461	Sumiyama et al	Display attributes and conditional attributes.
US 6,401,102	Ishii et al	Attribute changes and display conditions.


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11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

September 8, 2004



**SAM RIMELL**  
**PRIMARY EXAMINER**